

MEETING RECORD

NAME OF GROUP: City Board of Zoning Appeals

DATE, TIME AND

PLACE OF MEETING: Friday, July 25, 2003, 1:30 p.m., Room 113, County-City Building,
555 South 10th Street, Lincoln, Nebraska

MEMBERS AND OTHERS

IN ATTENDANCE:

Members: George Hancock, Gene Carroll, Tom Wanser,
and Linda Wibbels. (Gerry Krieser absent)
Others: Terry Kathe (Building & Safety), Tonya Skinner
(City Law Dept.), Becky Horner and Michele
Abendroth (Planning Dept.), applicants and
other interested parties.

STATED PURPOSE

OF THE MEETING: Regular Meeting of the City Board of Zoning Appeals

Mr. Hancock called the meeting to order at 1:35 p.m.

Approval of the minutes of the June 27, 2003 meeting

Mr. Wanser made a motion to approve the June 27, 2003 minutes, seconded by Mr. Carroll. Motion carried 4-0. Carroll, Hancock, Wanser, and Wibbels voting 'yes'; Krieser absent.

Appeal No. 2355 by Tim Loseke for a variance to the side yard setback on property generally located at 1200 North 56th Street.

PUBLIC HEARING

July 25, 2003

Tim Loseke, on behalf of Trinity Lutheran School, has requested to install a sign at 1200 N. 56th Street. They are proposing a sign of 4 feet by 8 feet on a 2 foot base, which meets the sign code requirements. They are asking for consideration on the location of the sign. The code requires a 100 foot setback from the side yard. The request is based on their need to identify themselves, and the only option is a sign. They are requesting that the setback be reduced to 70 feet. He noted that their only neighbor is Chateau Development, and they have indicated they are not concerned about the location of the sign. Mr. Loseke stated that they feel this is not an intrusion to the neighbor.

Mr. Wanser asked if the sign is lighted. Mr. Loseke stated that it is a backlit sign. Mr. Wanser asked what the reason is for placing the sign in this particular location. Mr. Loseke stated that they feel that this is the best location in terms of visibility and for safety reasons. Mr. Wanser asked if the sign would be lit at night. Mr. Loseke responded that the sign will not be lit at night, as the lighting will be controlled.

Mr. Hancock asked if there was further testimony in favor of or against the applicant.

With no one appearing further, Mr. Hancock closed the hearing.

ACTION

July 25, 2003

Mr. Wanser made a motion to approve the application, seconded by Ms. Wibbels.

Mr. Wanser stated that he will approve this because he feels that this property needs to be identified in the most unobtrusive way as possible, and he feels this is the best option. He would like to ensure that the sign is not lit at night. Ms. Wibbels stated that she agrees with Mr. Wanser and supports the location of the sign because of safety reasons in terms of line of sight. Mr. Carroll agrees with the motion, but suggested that an improvement be made to the identification of the entrance and exit signs. Mr. Hancock noted that there is not anything unusual or exceptional about the property, but agreed that the building needs to be identified.

Motion to approve carried 3-1. Carroll, Wanser and Wibbels voting 'yes'; Hancock voting 'no'; Krieser absent.

Appeal No. 2360 by David Lewon for a variance of the height in which an uncovered deck may project into the rear yard on property generally located at 6940 LaSalle Street.

PUBLIC HEARING

July 25, 2003

David Lewon, on behalf of the owners of the property Robin and Sandra Gade, stated that they are asking for a variance in order to build a useable deck. After drawing the plans for the deck, they found out that the setback is 24.5 feet for a deck 3 feet above ground. They are requesting to build a deck 10 feet out from the house which leaves 20 feet from the lot line.

Ms. Wibbels asked why you can have a deck almost to the property line if the desk is 2 feet or lower but not if the deck is 3 feet or higher. Mr. Kathe stated they can only speculate as to the intent of the code. One reason is for firefighters to get up and around the property. Another reason is that the rear yard is considered a buffer zone to the abutting property.

Mr. Hancock asked if there was further testimony in favor of the applicant.

Sandra Gade stated that another reason for the application is to have another fire exit.

Mr. Hancock asked if there was further testimony in favor of or against the applicant.

With no one appearing further, Mr. Hancock closed the hearing.

ACTION

July 25, 2003

Mr. Wanser made a motion to approve the application, seconded by Ms. Wibbels.

Mr. Wanser stated that there are a lot of unusual things about this property, but added that the variance should only be for the proposed deck. Ms. Wibbels and Mr. Carroll stated that they agree with Mr. Wanser. Mr. Hancock stated that there are unusual and exceptional circumstances with this property.

Ms. Skinner asked for a short recess. Mr. Carroll made a motion to take a short recess, seconded by Ms. Wibbels. Motion carried 4-0. Carroll, Hancock, Wanser, and Wibbels voting 'yes'; Krieser absent.

Mr. Wanser called the meeting back to order at 2:25 p.m.

Mr. Wanser withdrew his motion to approve the application, seconded by Ms. Wibbels. Motion carried 4-0. Carroll, Hancock, Wanser, and Wibbels voting 'yes'; Krieser absent.

Mr. Wanser made a motion to approve the application to vary the height in which an uncovered deck may extend into the rear yard from 3 feet to 8 feet 9 inches high above the adjacent ground levels and protrude no more than 4.5 feet into the rear yard setback. It was seconded by Ms. Wibbels.

Motion to approve carried 4-0. Carroll, Hancock, Wanser, and Wibbels voting 'yes'; Krieser absent.

Appeal No. 2361 by Scott Goode for a variance to allow the front yard setback to be reduced on property generally located at 2411 Sheridan Blvd.

PUBLIC HEARING

July 25, 2003

Becky Horner stated that she had received a request from Keith Dubas requesting to delay the action because the property owner wants to meet with the neighbors to consider whether or not they want to pursue the request.

ACTION

July 25, 2003

Mr. Wanser made a motion to postpone the public hearing for one month, seconded by Mr. Carroll. Motion carried 4-0. Carroll, Hancock, Wanser, and Wibbels voting 'yes'; Krieser absent.

There being no further business, Mr. Hancock adjourned the meeting at 2:26 p.m.